4 NEGOTIATING PAY EQUITY

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TABLE OF CONTENTS

Preface
What is Pay Equity 1
Why Pay Equity as a Negotiated Process 3
Shared Identification of Problems 3
Shared Problem-Solving 3
Shared Commitment to Results 4
Ways to Negotiate Pay Equity 5
Where to Begin 6
Defining the Establishment or Workplace 6
Setting Up a Negotiating Framework 7
– Committee Structure and Guidelines 7
– Terms of Reference 10
Education of Committee Members 15
Communicating Pay Equity 16
Why a Communication Plan is Needed 16
How to Develop a Communication Plan 16
Negotiating a Job Evaluation System 21
Who Should Choose the Job Evaluation System 22
The Role of Job Evaluation Consultants 22
Obtaining Proposals from Consultants 23
– Requests for Proposals 24
– Consultants' Submissions and Proposals 24
Selection Criteria for Job Evaluation System 25
Setting Up and Conducting Interviews 27
Conducting Mock Evaluations 29
Making the Final Decision 30
Selecting the Gender-Dominated Job Classes 32
Preparation for Negotiations on the Selection of Classes 33
Initial Steps for Negotiating the Selection of Classes 33
Negotiating the Analysis of Gender-Dominated Job Classes 37
Final Negotiations on Pay Equity Wage Adjustments 39
Conclusion 40
Appendix: Inside Outlook, 1987 41
Bibliography 43
Glossary of Terms 45

PREFACE

The purpose of this booklet is to assist employer and employee representatives who are negotiating pay equity, either under the terms of legislation, through following a defined policy framework, or through a joint agreement. This booklet will provide practical guidance for groups who are about to negotiate pay equity. It will also be beneficial for those contemplating the implementation of pay equity.

Other publications in this technical series include:

Book 1 - Job Evaluation
Book 2 - Job Analysis
Book 3 - Interpretation and Wage Adjustment

They are available from:

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Pay equity or equal pay for work of equal value is founded on the premise that certain types of jobs traditionally done by women may be undervalued and underpaid simply because they are considered to be "women's jobs". The principle of pay equity is that the wage for a job should be based on the value of a job, not the gender of the worker.

Historically, work traditionally done by women has been undervalued and underpaid for a variety of reasons. Pay equity addresses this by comparing classes of jobs that are predominantly done by women with those predominantly done by men. The skill, effort, responsibility and working conditions of the jobs are evaluated and compared. If any female-dominated jobs in a workplace are found to be of equal or comparable value to male-dominated jobs, and are undervalued, then all employees in those female-dominated jobs are entitled to receive pay equity wage adjustments.

Pay equity is different from equal pay for equal work. Equal pay for equal work means men and women are paid the same if they are doing the same work. For example, a female electrician in an establishment would be paid the same rate of pay as a male electrician.

Pay equity goes beyond the idea of equal pay for equal work and focuses on the value of different jobs. Pay equity recognizes that jobs done mainly by women within an organization may have equal or comparable value to those done mainly by men and therefore be worth equal or comparable pay.

The Gender Wage Gap

Since the turn of the century, women have consistently been paid about two-thirds of what men have been paid. Despite the dramatic increase in the number of women working in the paid labour force in the past 25 years, women still receive significantly less pay than men.

The difference in women's pay in comparison to men's pay is known as the gender wage gap. There has been only a modest decrease in the gender wage gap in Manitoba over a 15-year period, from 40% in 1970 to 33% in 1985. In 1988, women working full-time in Manitoba were paid 68 cents for every dollar paid to men.

The Wage Gap in Manitoba

32% wage gap

The wage gap is due to a number of factors. Compared to men, women tend to work fewer hours per week; are less likely to be employed in unionized jobs; are less likely to be promoted in an organization; and take more leaves from their jobs due to family responsibilities. One of the major reasons for the wage gap, however, is the occupational segregation of women into certain types of jobs.

Even though women are entering the paid labour force in increasing numbers, the majority of women still work in certain types of jobs. Two-thirds of women in Manitoba still work in traditionally female jobs such as clerical, service, health, and sales. Historically, these jobs have been undervalued and underpaid because they are mainly done by women. The perceived qualifications for doing these types of jobs include skills which women use in their unpaid roles as caregivers and homemakers.

Pay equity addresses this aspect of the gender wage gap caused by the undervaluation of traditionally female jobs. Experience in Manitoba has demonstrated that pay equity can close a significant portion of the wage gap in many different types of organizations. For instance, at the end of the 4-year wage adjustment period in the Manitoba civil service, pay equity implementation will reduce the gender wage gap for women in the major civil service union (Manitoba Government Employees' Association) by one-half from 14% to 7%. Other employment equity initiatives, such as the advancement of women into higher level positions in the civil service, are required to further reduce the wage gap.

There are several practical reasons for employers and representatives of employees to negotiate the pay equity process. Since pay equity negotiations involve a review of an organization's compensation practices, and will likely result in wage adjustments for some employees, all parties have a significant stake in the outcome. Pay equity negotiations require the co-operation of all parties and the establishment of common goals.

Because employers and bargaining agents must all work together, often for the first time, different approaches to dispute resolution and problem-solving are necessary. Successful pay equity negotiations occur when both parties realize that a different approach may be needed. Other initiatives which involve labour/management committee structures, such as employer/employee workplace health and safety committees, may provide some guidance.

A negotiated process encourages parties to:

-share in the identification of specific problems;
-work together to develop creative solutions to issues that arise; and
-be committed to the results.

Also, joint negotiation enhances employees' perception of the fairness of the process and increases the investment of all parties in the maintenance of pay equity.

Shared Identification of Problems

Negotiating pay equity obliges both the employer and representatives of employees to share the responsibility for the outcome. Joint problem-solving also involves a mutual responsibility for educating managers and employees about pay equity. Employee representatives have as much responsibility as the employer for ensuring that all employees are fully informed about the pay equity process. In order to obtain their full co-operation, all employees should have a basic understanding of the rationale for the pay equity process. This is particularly important for employees in male-dominated classes since they will be asked to participate in the process of having their jobs evaluated but will not be eligible for wage adjustments.

Shared Problem-Solving

The pay equity process requires that all parties assess and possibly alter the way in which they have traditionally valued and compensated different jobs within the organization. In many organizations, a joint committee approach

may already be used to review and recommend changes to policies in areas such as classification systems, job evaluation systems, monitoring of safety and health programs and the administration of pension plans. The joint committee approach enables all parties to deal with issues of mutual concern which, when resolved, have an impact on both the employer and employees.

Any process which results in changing the relationships among bargaining units and the hierarchy of jobs within an organization involves a complex set of issues, ranging from compensation practices to sense of self esteem. Involving all parties in dealing with these issues will help to ensure that the most appropriate approaches are taken.

Shared Commitment to Results

As with any other set of negotiations, whether it involves the price to pay for a used car, or the size of a child's weekly allowance, negotiations with another party require give and take. Although compromise will be required throughout the process, all parties must be committed to an end result which meets outlined pay equity requirements. This shared commitment also affects employees' acceptance of the pay equity process. Representatives of employees who are on negotiating committees may be in a better position than employers to assure other employees that their interests are being represented at every stage and to explain the reasons for decisions taken.

Pay equity can be negotiated as part of regular collective bargaining, or as a separate process.

1. As part of regular collective bargaining

The representatives of employees and/or management bring pay equity to the negotiating table as one of their proposals, and the parties negotiate pay equity wage adjustments at that time. Alternatively, the parties may agree in regular bargaining that pay equity is an issue that must be addressed, and may agree to the principle of pay equity within their compensation practices. They then define a separate process for implementing pay equity.

2. Separate from regular collective bargaining

This form of pay equity initiative is encouraged by legislation, policy framework, statements of intention by the parties, or as agreed to in a collective agreement. The negotiations are then kept separate from regular collective bargaining.

Conducting pay equity negotiations apart from regular negotiations helps to reinforce the fact that pay equity wage adjustments are not to be considered as regular wage increases. The National Union of Provincial Government Employees (NUPGE) has stressed that "pay equity wage adjustments should not be at the expense of ordinary salary increases. This may be facilitated by having the pay equity negotiations at a separate time from ordinary negotiations". One of the pay equity negotiators for the Manitoba Civil Service Commission commented that pay equity negotiations should be separate from regular collective bargaining to avoid "any suggestion of trading-off pay equity issues for other issues on the bargaining table". A separate negotiation process also makes it possible to negotiate pay equity jointly with all affected parties in an organization. This may be particularly relevant for multi-union settings.

As a first step for negotiating pay equity, all parties should be familiar with the mandate. For example, an organization or a bargaining unit may be required under legislation to implement pay equity. In this case, it is essential to become familiar with the intent and the requirements of the legislation. Similarly, any other obligations which require an organization to implement pay equity should be explored and understood. The parties to the process may have agreed in their regular contract negotiations to implement pay equity. This agreement should be reviewed and its mandate understood. In addition, as much information as possible should be obtained from a variety of sources familiar with implementing pay equity, such as government pay equity units, and union and employer associations. As well as being informed of its mandate, the joint committee must also focus on defining the workplace or establishment.

Defining the Establishment or Workplace

One issue which arises as soon as an agreement is reached to implement pay equity is where to implement. Questions which are often asked include the following: "What is the workplace?" "What if we have an organization that is geographically spread over different areas?" "What if we have two separate organizations within one physical or geographical setting?"

In order to define the boundaries of "establishment" for an organization, the best approach is to use common sense, taking into consideration the principle of pay equity and what is most appropriate for internal compensation practices.

"Establishment" is a term that is often used in pay equity legislation to define the workplace. Manitoba's legislation requires that pay equity be implemented within the establishment, not outside the establishment or between establishments. If there is one geographic unit, with a single administration system, for example, one board of directors, then the issue of establishment may not be difficult to determine. However, defining an establishment can be complicated by other issues, for example, central bargaining. In many industries and sectors where wage rates and employment practices cross geographic and jurisdictional boundaries, it may be important for reasons of recruitment and fairness that these practices are maintained. In these cases, all parties may want to use the existing bargaining structures to conduct the pay equity study. Although the negotiations may be facilitated by central bargaining, special care should be taken to ensure that the definition of establishment does not undermine or invalidate the decision to implement pay equity.

Setting Up a Negotiating Framework

In setting up a negotiating framework, the first consideration is the committee structure and guidelines.

1. Committee Structure and Guidelines

A. Defining the Structure

After the decision to negotiate pay equity has been made and some preliminary education has taken place, it is necessary for the parties to set up a structure that will allow for the smooth and efficient negotiation of pay equity. There are enough challenges in negotiating a successful pay equity process without having difficulties with the structure of committees mid-way through the process.

A general rule is to have a joint steering committee that deals with the major decisions and issues, and smaller specialized sub-committees to deal with more technical and ad hoc issues. Parties can pick and choose from the following models, or can define a committee framework that is unique to and representative of the characteristics of their organizational structure.

B. Joint Labour/Management Steering Committee

The purpose of this committee is to oversee, give direction, and make decisions throughout the negotiation of pay equity. The main pay equity negotiations take place through this committee. This committee should be made up of people who have negotiating experience, and also are familiar with the structures of the establishment and with the concept of pay equity. Depending on the size and complexity of the organization, committees in Manitoba have ranged in size from two people, one employer and one employee representative, to 25 people in the case of a multi-bargaining unit setting.

The membership of this committee may change from one step of the pay equity process to the next. For example, bargaining agents representing only male-dominated job classes may be involved in the selection and application of the job evaluation system, but may not be involved in negotiations concerning pay equity wage adjustments for the female-dominated job classes.

Each party within this joint employee/employer committee may be required to report to their own organization through a committee or caucus made up of elected and/or hired representatives. Decisions or

recommendations of the joint steering committee may have to be brought to the committee or caucus prior to being agreed to at the joint pay equity table.

C. General Committee Guidelines

Whatever structure the parties agree to, there are certain points that, if followed, will help to make the process run smoothly:

- There should be a balance of representation between men and women on the joint steering committee;
- The joint steering committee should have a chairperson(s). This service could be provided in a variety of ways including co-chairs and chairing on an alternating basis;
- In the case of multi-bargaining unit and/or multi-employer negotiations, it may facilitate the process to have a chairperson and vice-chairperson designated for both the employer and the employee sides. These individuals can also be designated to meet to resolve disputes.
- The committee structure should allow for adequate and accurate record keeping. For example, the position of recording secretary could be assumed on a rotational basis; and
- If no chairperson or official recording secretary exists, there should be a designated committee member on each side who is responsible for circulating information.

D. Pay Equity Facilitator

The joint steering committee, depending on its size and complexity, may find it useful to appoint a pay equity facilitator. The Manitoba Pay Equity Act is unique in Canada in that it established the role of pay equity officer for entities named in the legislation. The legislation stated that the pay equity officer shall "initiate and oversee the negotiations required to be undertaken", and perform other duties associated with the pay equity process. This neutral role provides facilitation and conciliation services required to assist parties in resolving differences on an ongoing basis, and provides a focal point for the activity and administration associated with the pay equity process. If parties are negotiating outside of legislation, the joint committee may wish to look at selecting someone employed by the organization who is seen as neutral by both labour and management representatives or hiring an outside facilitator.

E. Sub-Committees

There may be other committees that the parties determine are necessary, depending on the size of the organization, and the amount of participation that is required. Some sub-committees can be struck to deal with issues as they arise, for example, the selection of a pay equity officer; the appointment of a chairperson; the establishment of the classes; definition of the selection criteria for a job evaluation system; the evaluation of selected jobs; or the assessment of the wage gap.

These sub-committees should report back to the joint steering committee for discussion and decisions. There are benefits to delegating some of the work to sub-committees and in-house or external specialists. For example, the process can run more smoothly if the joint steering committee does not get bogged down with technical issues that are better handled by a sub-committee.

F. Job Evaluation Committee

Depending on the type of job evaluation system that is selected or developed, there may be a need for a sub-committee dealing specifically with job evaluation. This sub-committee should be responsible for gathering job content information, interviewing employees and supervisors, and the rating of jobs. Since this is a time-consuming and exhausting process, care is required in selecting members. If a job evaluation consultant is hired, s/he should be able to provide advice and direction concerning the format required.

In order to ensure that there is complete knowledge and information about the range of jobs in the organization, the following points should be considered in selecting representatives:

- There should be a diversity of committee members with representation from all occupational groups if possible. Female-dominated jobs should be adequately represented;
- The committee membership should reflect the proportion of women and men found within the organization;
- To increase the diversity of the committee, membership should vary according to factors such as age, length of service, and level of responsibilities within the organization; and
- Members who are particularly attached to the existing evaluation systems should not be appointed to this type of committee.

In summation, committee members should have the following attributes:

knowledge about many jobs in the organization; open-mindedness regarding pay equity; the respect of other employees; the ability to make independent judgements; and the objectivity necessary for using a job evaluation system.

2. Terms of Reference

The next step in the pay equity process is for the parties to negotiate and agree upon terms of reference. This is essential, regardless of whether the negotiations will be adhering to legislation, a policy framework or an agreement to voluntarily implement pay equity. For those who have agreed to voluntarily implement pay equity, the terms of reference are even more crucial.

Parties should define and agree to the terms of reference prior to the start of negotiations in order to reduce pitfalls, stalemates and irresolvable differences along the way. It will also help the parties to remain focussed on the mandate of implementing pay equity, and avoid getting side-tracked by other issues.

As with most issues, the terms of reference must be tailored to suit the particular organizational structure and climate. Some parties will choose to agree in advance on very specific terms of reference, while others will prefer to have very loose parameters within which to negotiate pay equity. There are advantages and disadvantages to both approaches. If the terms of reference determined prior to beginning the process are too detailed, the parties can be hemmed in by a process which prevents creative problem-solving when unanticipated issues arise. Too few terms of reference may result in the parties getting into major disagreements on seemingly minor issues, or getting sidetracked into discussions about issues other than pay equity. However, since the success of the pay equity process is highly dependent on the goodwill of the parties, successful models can be very detailed or very brief.

Section 1

There are two different purposes for terms of reference. The first is to clarify or elaborate on areas covered in legislation, policy framework or voluntary agreements. This would include:

A. Agreement on why pay equity is being implemented

The goals of the process should be defined – for example, to implement the terms of the pay equity legislation or a policy framework; to ensure that a compensation system and practices are gender-neutral.

B. What jobs should be included

All jobs within the organization should be reviewed to determine if they meet the criteria to be included as a gender-dominated class for the purposes of pay equity.

C. Definition of gender-dominated class

Parties must reach agreement on the criteria to be used for defining gender-dominance for job classes. For example, Manitoba's Pay Equity Act and policy framework for school divisions have defined criteria for gender-dominance. Other jurisdictions have used different criteria – for example, one or more incumbents, 60% female or male-dominated. Committee members should examine their own organization and determine a definition that is most appropriate for their own circumstances.

D. Definitions of other key terms and concepts

Parties must also reach agreement on other key definitions such as wages, benefits, class and employee. The Manitoba Pay Equity Act and the policy framework for school divisions provides definitions for a number of terms which the parties may agree to use.

E. Conciliation and dispute resolution mechanisms

Even parties with the best of intentions and goodwill should ensure that they have established a process to deal with disputes that cannot be resolved in the committee process. Options include both internal and external mechanisms. External mechanisms include the appointment of a conciliator/mediator; the use of an arbitration board which usually consists of three members (labour and management each appoint one member who in turn must agree on the third person); and the appointment of a single arbitrator, named in the terms of reference, who would resolve issues that cannot be settled by the parties. Internal mechanisms include the designation of employer and employee representatives who would be given the authority to make binding decisions, or the selection or appointment of a facilitator. A facilitator could be a pay equity officer as outlined in The Manitoba Pay Equity Act, or a resource person who is brought in occasionally to help the parties in the implementation of pay equity.

F. Funding the costs of pay equity wage adjustments

Parties should reach agreement on the amount to be allocated for pay

equity wage adjustments per year and the total number of years for phasing-in the adjustments.

G. Implementation of pay equity adjustments

This includes factors such as: the percentage of payroll per year to be allocated for pay equity adjustments; the effective date the wage adjustments will start; and the defined period of time for the phasing-in of adjustments.

H. Maintenance of pay equity

Parties may want to consider including a maintenance provision in the terms of reference. Once pay equity has been negotiated and established within an organization, the parties may want to set up a system to monitor and make adjustments when necessary to maintain pay equity. Maintenance issues which parties should consider are: the inclusion of new female- and male-dominated job classes; the effect of employee changes on gender-dominance of existing job classes; and gender-based inequities which recur after regular wage increases. It may be beneficial to review the male and female pay lines on a regular basis for any possible recurrence of gender-bias in the pay practices. For example, the State of Minnesota, after completing the pay equity adjustments, instituted a monitoring procedure to determine if pay equity is being maintained. The pay lines for male and female job classes are plotted every two years. If female job classes fall below the male pay line by a specified amount, a pay equity adjustment will be implemented. Since the final pay equity adjustments in 1986, a pay equity gap has not recurred.

Section 2

The second category for the terms of reference deals with issues focused more on the process of implementing pay equity. This includes:

A. Mandate of steering and technical committees

A joint steering committee may be established to make the policy decisions necessary to undertake and establish pay equity and to assign work to the technical sub-committees. Some sub-committees may only be mandated to carry out pre-defined tasks, such as gathering information on the job classes. These limitations should be reflected in the terms of reference dealing with committee mandates. The number of committees that are necessary for a pay equity process will depend on the size of the organization.

B. What will not be dealt with in pay equity negotiations
This includes areas such as re-classification issues, organizational problems, affirmative action, and compensation anomalies which are not related to gender discrimination.

C. Amendments to collective agreements and/or wage schedules
After reaching agreement on what pay equity wage adjustments are necessary, the parties may decide to append the pay equity agreement to their collective agreement.

D. Access to information
Parties should establish what information is considered necessary for the implementation of pay equity. Information which is essential includes job descriptions, the number of incumbents and gender-dominance of each job class, and the salaries and benefits for job classes being compared.

E. Release time for employees
Some parts of the implementation process will require the involvement of employees. There should be agreement in the terms of reference on the release of employees from their normal job duties without loss of wages if they are required to participate in the pay equity process.

F. Responsibility for the administrative and implementation costs
There are costs associated with the pay equity process and it should be made clear in the terms of reference who will be responsible for these costs. Costs may include rental of meeting rooms, communication materials, and fees for services such as job evaluation consultants.

G. Timeframes and deadlines for all phases of the process
This is especially critical for reaching agreement on the job classes to be compared, the selection of a job evaluation system, the total amounts of a pay equity wage adjustment for each job class, and the allocation and implementation of the pay equity wage adjustments.

H. Defining the role of the consultant
Where applicable, the consultant's role and duties should be clearly outlined. Consultants can be involved in the application of the job evaluation system, the rating of jobs, the analysis of necessary pay equity adjustments and the communications strategy.

I. Internal equity versus pay equity - separating the two processes

If the parties also want to conduct an internal equity exercise in conjunction with the pay equity process, the two processes should be differentiated in the terms of reference. An internal equity process involves a review of all jobs in an organization to determine their relative worth. All jobs are moved towards a central pay policy line (i.e. some jobs are moved up to the line with an increase in wage rate and some jobs are moved down to the line with a decrease in wage rate). In contrast, a pay equity process involves two pay lines, a male line and a female line with the adjustment upward of female wage rates to the male pay line.

Therefore, if internal equity is to be included with pay equity, it is beneficial if the parties agree to a two-stage process. The first stage encompasses pay equity, with the adjustment of female-dominated jobs to the male pay line. The second stage encompasses internal equity, with the adjustment of other jobs of comparable worth to the male pay line. It is important to understand that the male pay line, not the line of central tendency, is the one that is used as the standard to which all other job classes are raised.

Negotiators for the State of Minnesota pay equity process had a commitment to the underlying rationale of pay equity which led them to decide to use the male line as the standard against which female-dominated jobs would be compared.

Nina Rothchild, Commissioner of Employee Relations, was asked why Minnesota did not merely compute the pay practice line for all jobs and compare salaries in female-dominated jobs with it. Her response was "I was a math major at Smith College. I know enough not to include the salaries of women's jobs, which have been held down by discrimination, in my standard for non-discriminatory wages". If an organization is embarking on both processes, parties should also ensure, through their communications, that employees understand the differences and the impact of both pay equity and internal equity exercises.

Education about the concepts and the process of pay equity is the most important component of a successful pay equity exercise. Many negotiators who have been involved in implementing pay equity in Manitoba recommend a six-month start-up period before negotiations commence. This period provides the necessary education for negotiators new to the process to become familiar with the concepts and process of pay equity. Ongoing education is also necessary as the process evolves. Stressing the importance of formal "pre-pay equity" education does not eliminate the need for "on-site" learning that should take place as the process progresses. Failure to educate employee and employer representatives can result in pay equity agreements that may not have solid foundations.

Many resources on pay equity are available, such as the Manitoba Pay Equity Bureau, employer associations and unions. The booklets, videos, educational materials, presentations and workshops provided by these resources can provide basic information about pay equity.

Parties involved in negotiating pay equity can sponsor an educational seminar, and invite speakers who have been involved in one of the pay equity implementation exercises in Manitoba or other provinces. A wide variety of negotiators for public sector organizations have pay equity implementation experience in Manitoba, including: health care facilities, universities and community colleges, and Crown corporations such as Manitoba Telephone System, Manitoba Hydro and the Manitoba Liquor Control Commission.

Why a Communication Plan is Needed

The purpose of developing a communication plan is to provide clear, accurate and understandable information to employees, bargaining agents, supervisors, managers and senior executives in the organization. With good communication planning, many problems can be anticipated before they arise. People who feel fully informed and included in the pay equity process will generally be more supportive of the results.

A well-designed communication plan will assist in the smooth implementation of the pay equity process by informing employees throughout the process and anticipating their questions. A communication plan must deal with all aspects of pay equity and its impact on the organization, in a timely and organized way. Co-operation will be required not only from those who are directly affected by wage adjustments, but also from those who will not benefit directly from the process. For instance, employees will likely be asked to provide information about their jobs as part of the job evaluation stage of pay equity. Good communication with employees is essential at this time in order to gather accurate job content information and minimize any feelings of apprehension and misunderstanding among employees.

How to Develop a Communication Plan

Although it is the prerogative of each of the parties to communicate with their own constituencies in whatever manner they choose, a joint communication strategy ensures that the joint nature of the pay equity process is reflected in communication and that consistent messages are delivered.

To assist in streamlining the process, a sub-committee can be established to develop a communication plan. In many jurisdictions, joint steering committees have decided to issue "communiques" or letters to employees, with shared logos, indicating the joint nature of the process.

Once the communication plan has been established, the sub-committee can make recommendations to the joint steering committee. Then the sub-committee can begin to arrange for the production of communication materials.

The following are key components of an effective communication plan.

1. Identify the message(s) you want to communicate

All elements of your communications plan should reflect these key messages and themes. Ideally, all elements of your communication plan should be endorsed by the joint steering committee, and reinforce the fact

that both employer and employee representatives participated in, and support both the approach and results of the process. This can be reinforced by using joint signatures and logos, if appropriate, from management and employees.

2. Identify your target audience(s)

A. Who do you want to communicate with?

For example, do you want to reach all employees, or only those receiving wage adjustments; all bargaining agents or only those whose members will be included in the process? Are the payroll staff included in your communication plan? All levels of management? It is usually advantageous to inform all employees. If all employees are presented with the same information and the same opportunities for understanding, the possibilities for misinformation, misunderstanding and rejection are decreased.

B. Ask questions about your target audience(s)

How much do they already know about pay equity? Do all groups require the same level or detail of information? What are the gaps in their understanding? Has any information on pay equity been distributed from the committee before now? Is a simple update all that is required?

C. Anticipate the questions and concerns different audiences will have

Some committees have found that the easiest approach to use is a question and answer format. Responses can be prepared and made available to anyone making presentations or serving as a spokesperson on the pay equity process. Include members of the joint steering committee on your distribution list.

Here are some sample questions that you may want to address:

- What is pay equity?
- Why have we chosen to implement pay equity?
- Who participated in the negotiations?
- What job evaluation system will be used?
- Which job classes will get pay equity wage adjustments? Why?
- When will employees receive adjustments? How much will they cost?

PAY EQUITY

Let's Work Together To Keep It Healthy

Do Your Bit — Fill Out The Questionnaire

If you've received a questionnaire please fill it out. It's important — for yourself and for your co-workers.

Remember that it's anonymous. We don't have to know who you are, just what type of work you do. If you have any questions call the Pay Equity Office in Winnipeg at 956-2117 or outside Winnipeg call 956-2117 collect. And if you call we don't need to know your name, we're just there to help.

It's easy to return the questionnaire. Just mail it back in the postage paid return envelope or drop off the envelope at your workplace. You'll find your specific location on the last page of the questionnaire.

We need you to tell us about your job. So, don't let your co-workers down — fill out the questionnaire.

Pay Equity Working in Health Care

The committee negotiating pay equity for the provincial civil service chose to write a brief fact sheet with an attachment showing all the classes receiving pay equity adjustments and the actual adjustments over four years. This fact sheet is included as an Appendix.

3. Identify official spokespersons

This includes identifying people for internal as well as external communication. Identify a contact person (or persons) from the joint committee who is knowledgeable and can speak clearly about the issue. You should also discuss whether you want to establish contact with the media. If the general public is one of your target audiences you should identify a media spokesperson for the pay equity process. The media may become involved on their own initiative or you may want to contact them on your own. Identifying spokespersons at the beginning will help to ensure consistent responses are made.

4. Identify how best to communicate your message(s)

Some of the mediums to consider include: staff meetings, hand-outs, newsletters, in-house bulletins, enclosures with paycheques, employer and union publications and audio-visual presentations. As the materials are being prepared, keep in mind your overall communication objectives and themes.

Face-to-face meetings are a direct way to facilitate smooth internal communication. A committee may consider distributing written information enclosed with paycheques to all employees and then follow up by having teams of management and employee representatives attend staff meetings to address questions and concerns.

The poster shown on the opposite page is an example of one of the methods which was used to communicate pay equity to workers in the health care sector in Manitoba. Questionnaires to health care workers were used to gather job content information. Because it was important to encourage employees to return their questionnaires, a series of posters was developed and displayed in public areas such as staff cafeterias. The questionnaire return rate was very high, suggesting that the posters were successful.

Some committees have found that the easiest approach is to use a question and answer format, using simple, easy to understand language. Technical, detailed information should be avoided, and all materials should include a name and phone number where readers can go for more in-depth information. When print materials are being distributed, it is important to

include a contact name and number where someone knowledgeable can respond to inquiries.

5. Develop a budget for your communication plan

Based on available resources and already existing communication vehicles, a communication budget can be developed and submitted to the joint steering committee.

6. Develop a schedule

Outline the times when the components of your communication plan will be put into place. Communication is essential at each key stage of the pay equity process, for example, during the start-up period, the job analysis process, and the phasing-in of pay equity wage adjustments.

Timing is extremely important. Should the information be released to everyone at the same time? Have the supervisors been advised that certain employees will have to be released from regular duties to take part in job evaluation? Have payroll staff who not only ensure that "the cheque is in the mail", but also that "the adjustments are on the cheque" been informed?

Once the committee has been established, the terms of reference agreed to and the establishment defined, the stage is set for the major negotiation steps to begin. These steps include: selecting the job evaluation system; selecting the male and female-dominated classes; and after application of the job evaluation system to the gender-dominated classes, the negotiations on the amount and phasing-in of pay equity adjustments to the undervalued female classes.

The purpose of the pay equity implementation exercise is to select or develop a single job evaluation system in order to objectively compare gender-dominated job classes within an organization. This system must be free of gender-bias and it must be able to measure the skill, effort, responsibility and working conditions of a job to determine the composite "value" for each job class.

As with most aspects of the pay equity process, the parties will probably find themselves in the position of trying to reach agreement on the selection of a job evaluation system. Bargaining agents and employer representatives are used to negotiating terms and conditions of employment, but many have not had experience in selecting a job evaluation system.

There are some issues that the parties should be aware of in their attempts to reach agreement on what job evaluation system should be used. The overriding principle in negotiating a job evaluation system is that all parties should understand and be comfortable with the job evaluation system they are considering for use. When consultants make their presentations, the job evaluation systems and methodologies should be clear and easy to understand for all participants.

The Manitoba Pay Equity Bureau has published Booklet 1 - Job Evaluation, which provides more detailed information and guidance on what to look for in job evaluation systems.

There are essentially two options concerning job evaluation systems which can fulfill a pay equity audit. The first option is to contract for the use or purchase of an existing job evaluation system. The parties may agree to use this system with or without modifications. Parties should be aware that some systems are not open to modifications. The second option is to develop a job evaluation plan from scratch. Regardless of which option is agreed to, the parties must be prepared to negotiate tests, modifications and application into their selection agreement. The majority of organizations that implemented pay equity under the Manitoba legislation chose to use an established job evaluation system provided by a consulting firm. Drawing on this experience,

the comments in this section focus on the use of an existing job evaluation system. However, the development of a plan may be the preferred option depending on the size and particular circumstances within an organization.

Who Should Choose the Job Evaluation System

Since the job evaluation system is a fundamental tool to measure the value of the jobs, it very quickly becomes the backbone of the whole pay equity exercise. Therefore, it is essential that decisions concerning the selection, design and application of a job evaluation system be made by the joint steering committee.

For negotiators who are new to the pay equity process, job evaluation systems can appear to be very complicated and difficult to understand. This is even more apparent for parties who agree to design their own job evaluation systems. Therefore, it is useful for committees to have resource people who are familiar with a variety of systems and are readily available to answer questions. Pay Equity Bureau staff are also available to assist parties with education and training about job evaluation.

The Role of Job Evaluation Consultants

Committee members must decide which type of consultant best meets the organization's needs. It is up to the joint committee to decide whether a consultant is required and what aspects of the process require the involvement of the consultant. Generally, costs depend on the number of services provided. Job evaluation consultants often have enough expertise and experience to be involved in every step of the pay equity process, from the evaluation of the jobs to the analysis of the results, and the determination of the pay equity adjustments. Consultants can be selected from a wide range of sources including consulting firms, employer/employee associations and universities. Many sources also have a public relations and/or a communications capability which, for a fee, can assist the parties in the communication of the pay equity process to employees.

The consultant(s) can be hired for the entire process or only to undertake limited portions of the exercise. In order to reach agreement on the role that the consultant will play, the joint committee should consider:

– how much control the parties want to maintain over the process;

– what areas of expertise the committee lacks that a consultant could supply;

– which parts of the process will be negotiated; and
– how important the unique features and characteristics of the organization are in the process.

Answers to these questions will probably indicate the degree of control and decision-making authority that the joint committee wants to have over the process.

The parties in most pay equity negotiations in Manitoba hired consultants for the job evaluation phase only. The consultants were hired to provide the job evaluation system, to oversee the rating process, and to ensure that valid results were provided to the joint steering committee. Although some consultants provided suggestions regarding the application and analysis of the job evaluation results, these areas were largely determined by the joint committee through negotiations and discussions. Technical assistance in analyzing salary data was provided by Manitoba Labour's Pay Equity Bureau or in-house expertise.

After the joint committee has defined the role of the consultant, this information should be provided to prospective consultants. The information may include a check list of tasks, for example:

– the selection of job classes to be studied;
– the information to be obtained from employees through interviews and/or surveys;
– the preparation of a gender-neutral job evaluation manual;
– the training of the job evaluation committee;
– the overseeing of the evaluation of jobs; and
– the analysis of results with recommendations for implementation.

Obtaining Proposals from Consultants

The joint steering committee may decide to develop its own job evaluation system, to use an in-house system that already exists, or to hire an outside consultant who can provide an "off-the shelf" job evaluation system. If the parties choose to take the latter route, they will have to get proposals from consultants.

When The Pay Equity Act was passed in Manitoba in 1985, there were very few job evaluation consultants who could claim actual experience in applying their job evaluation systems for pay equity purposes. With many more jurisdictions in Canada now implementing pay equity, a wide range of job evaluation systems that have been used for pay equity purposes now exist.

The joint steering committee is usually responsible for assessing the different job evaluation systems on the market, and for deciding which one is best suited to the organization.

1. Requests for Proposals

The first step in this process is to solicit proposals from interested and qualified job evaluation consultants. The joint committee can develop a Request for Proposals (RFP), which will provide information about the organization, the project, and the requirements of the proposal. The Request for Proposals should include:

- an outline of the pay equity legislation, where applicable, policy framework or the joint pay equity agreement;
- a list of the goals of the project;
- a brief description of the organization;
- a brief description of the workforce including the classification and the pay scales used;
- the mandate of the consultant;
- deadlines to be met by the consultant;
- reports to be prepared by the consultant;
- the format of the bid proposal;
- what services the employer will provide; and
- what details will be included in the contract.

The Request for Proposals can be advertised in local and national newspapers, and it can be sent to consultants known to have experience in pay equity and job evaluation.

2. Consultants' Submissions and Proposals

Job evaluation consultants should be given a list of the information that they are required to provide. This will assist the parties in sorting through the proposals, and comparing proposals in a standard way. The consultants should be asked to provide:

A. Background

- brief history of consulting firm;
- number of years in operation of firm;
- areas of expertise of firm (accounting, pensions, job evaluation);
- office in or near location of employer;
- pay equity experience; and
- labour relations experience.

B. Philosophy on Pay Equity
- brief statement on firm's views and understanding of pay equity.

C. Approach to Job Evaluation
- job evaluation method;
- method of collecting job content information;
- evidence that their system is gender-neutral;
- how disputes are resolved (e.g. consensus, majority vote);
- method of salary/evaluation comparison;
- training of committees; and
- other services they may be willing to provide, e.g. communication to employees.

D. Staff
- names of consultants who will work on the project, and their qualifications and experience;
- list and relative size of organizations they have worked for;
- list of organizations they have worked for where there has been a joint employer/employee committee; and
- list of contact persons and references.

E. Cost Breakdown
- rates for consultants who will be involved;
- estimated time to complete project;
- travel and accommodation;
- supplies;
- data entry and analysis; and
- communication.

Selection Criteria for Job Evaluation System

After the proposals from consultants have been received, the joint committee, or a designated sub-committee determines which of the consultants is best capable of meeting the terms of the project. In order to do this, a list of criteria should be developed by which the proposals can be evaluated.

The following is a list of criteria used by a joint committee in Manitoba. It provides information for committees developing their own set of criteria:

Criteria to Be Used by the Parties
- The system must identify, and assist in addressing, historical gender-based

pay inequities between male and female-dominated job classes through the negotiation process;

- The system should have been successfully used in a similar organization (for example public/private sector, small/large), preferably in Canada;
- The system should have a history of being successfully implemented through a joint bargaining agent/management job evaluation process (and, if applicable, in a multi-bargaining unit setting), and in organizations covering a similar range of occupations;
- The proposal and system must be gender-neutral. The parties should require the consultants to provide verification that their approach or system is gender-neutral.
- The system must evaluate the relative value of male and female-dominated job classes. It should be capable of evaluating a wide variety of jobs, for example, jobs on a shop floor such as a factory worker to those in an office such as a secretary.
- The system must be capable of measuring, in a comparative way, skill, effort, the level of responsibility required and the working conditions under which the work is performed.
- The system should be able to work within any classification system currently in place in the organization or should be able to be used in organizations which do not have regular methods of classification; and
- The system should be capable of meeting established timeframes.

After the proposals have been evaluated, committee members should determine which consultants they wish to interview. Some committee members who are new to job evaluation may wish to interview all consultants who respond to the RFP, while others may be able to determine from the proposals which consultants best meet their requirements, and which do not. Because the selection of consultants to interview will be negotiated, there may be situations where the employer representatives are convinced that they would not use a certain job evaluation system, and do not see the point in any further discussion concerning it, but the representatives of employees may wish to conduct an interview to explore that system. The ability to reach a reasonable and suitable compromise is critical in this situation as in all areas of the pay equity process.

Setting Up and Conducting Interviews

After the interview list has been established, interviews should be scheduled. Committee members should allow half a day for each consultant's presentation, and they should try and schedule the interviews within a compressed time frame. This will prevent committee members from forgetting the details of presentations between interviews. Because the job evaluation system forms the backbone of the pay equity process, it is desirable to have all members of the joint committee present at the interviews. The selection of a job evaluation system has significant implications on the outcome of the process and is a relatively complex process. Therefore, it is not advisable to assign this particular task to a sub-committee.

The joint committee should develop a uniform set of questions that they would like the consultants to respond to during the interview. Many consultants will have anticipated most of the questions, and will be able to deal with them in a formal presentation. Any questions that are not adequately dealt with in the body of the presentation, along with any questions that arise from the presentation, should be pursued after completion of the consultant's presentation.

The following model provides some interview questions which will assist in assessing the suitability of a job evaluation consultant for the pay equity study:

1. Interview Questions for Job Evaluation Consultants

A. General Information

When was the system developed?

Has the system ever been tested?

What is your definition of "gender-neutrality"? How is it determined and proven in your system?

Have you revised the system to minimize gender-bias? If so, explain how you accomplished or tested this.

What communication strategies do you use?

What messages would you deliver in your communication strategy?

How would you deal with groups that will not directly benefit from pay equity?

Which individuals will be assigned to the project?

B. Experience

What is the largest project that you have ever worked on with this system? The smallest? Does the system work in a variety of sizes of organizations? How many classifications? How many employees?

In what kind of labour relations environment has your system been used? For example, multi-bargaining agent setting, non-unionized environment, etc.

Has the application of the results of the system ever been subjected to a legal challenge?

C. Factors

Is the definition of factors pre-determined?

Can factors be re-defined to meet concerns regarding gender bias?

How did you validate the factor weightings?

If the system is modified, how do you ensure the results are not discriminatory?

Will modifications affect the credibility and/or effectiveness of the system?

Does the plan evaluate education and experience separately? If so, is this a problem?

Are sub-factors in the system pre-determined?

What safeguards are there to ensure that sub-factors are equally relevant to female and male jobs?

What steps have been taken to ensure that there is no double counting of factors and sub-factors?

How does the system treat working conditions?

Are working conditions defined to recognize features associated with female-dominated jobs?

D. Weightings

How do you arrive at factor weightings?

What are the weightings?

Have these weightings been tested for gender-neutrality?

If new weightings are given, how are they tested?

E. Gathering Job Information

How is information on jobs gathered?

What steps are taken to minimize gender-bias in this part of the process?

How would you work with job descriptions that are not current?

If a questionnaire is used, what steps are taken to ensure its validity, readability, and gender-neutrality?

What level of involvement is expected of employees, supervisors and personnel staff?

What guidelines or sample framework is used to determine the numbers and types of jobs to be evaluated?

F. Rating Process

Does your system use a rating committee to evaluate jobs?

How do you envisage this committee's structure?

What kind of training is recommended for the rating committee?

How are disagreements on ratings among committee members resolved?

What role would the consultant play in this part of the process?

How does the "sore-thumb" process work? That is, is there a process to review data and results that "stick out" and do not seem to make sense?

G. General

What assurance can be given that the project will be completed within the established time frames?

What references can you provide – from employer and employee representatives?

What assurance can be given that the consultant will be able to complete the project within the projected costing?

Conducting Mock Evaluations

Depending on the number of job evaluation consultants being interviewed, a second set of interviews can be scheduled once a short list has been established. The committee should review the agreed-upon selection criteria and assess how close each system comes to meeting those criteria. A short list can be developed. Usually, in the context of the negotiations, there will be some systems that management will prefer and some that the representatives

of employees will prefer. However, experience has shown that there is often much common ground between the short lists that the parties arrive at independently.

A second interview is useful to ask more questions, and to broaden the understanding of the system. It provides the opportunity to ask the consultants to demonstrate how their system works in actual situations. Mock evaluations can be conducted for this purpose. If the list of consultants being interviewed in the first stage is small, the committee may decide to ask them to conduct mock evaluations during this stage.

For the mock evaluation, the joint committee should reach agreement on a few, ideally not more than five, representative job classes from the organization. The consulting firms who have been invited for the mock evaluations should be sent a list of these jobs, with job descriptions, well in advance of their presentations. The committee should try to ensure that the jobs that are selected are representative of the scope of jobs that can be found within the organization. In order to assess the effectiveness of the evaluation system for a wide range of jobs, and its gender-neutrality, the committee should include jobs which are male and female-dominated, administrative, technical and management level.

Making the Final Decision

Once all of the interviews and mock evaluations have been conducted, it is necessary for the parties to reach agreement on which job evaluation system is the most appropriate. Although this is only one part of the negotiated process, it is an essential one, and the joint committee should ensure that the best interests of the pay equity process are taken into consideration when conducting this part of the negotiations.

Parties should be aware that most job evaluation systems come as a package deal and usually cannot be easily modified. The parties may find that the short list of job evaluation consultants includes very similar systems and approaches but represents a diverse group of job evaluation consultants. The key is for the parties to select a system that will address the pay equity needs of the organization, provide adequate data, and be flexible enough to be applied to their organization. One very important consideration is the ability of the consultants to work well with the pay equity committees. This factor may end up having the strongest impact on the selection of the job evaluation system.

Once a job evaluation system has been selected, the committee must decide the final details and draw up the contract. Committees should specify in the contract whether they want a particular consultant to be assigned to the project. Any other conditions should also be spelled out. For example, parties may want to ensure that they retain control over the results of the study, and that confidentiality of these results is maintained. As a final step, the contract should be reviewed subject to the organization's usual procedures for reviewing legal agreements.

Negotiating the pay equity classes can be one of the most time-consuming tasks in the process. The complexity of this stage of the negotiations depends on whether a classification system already exists and, if so, whether the system is in good order. The negotiations should take place in the same way as any other part of the pay equity process. Although the parties will be negotiating items such as the inclusion of additional classes beyond the minimum definitions of a gender-dominated class, it is not likely that major differences of interpretation will take place.

First, the committee must have a definition of job class. Using The Manitoba Pay Equity Act and policy framework as examples, class is defined as "a group of positions involving duties and responsibilities so similar that the same or like qualifications may reasonably be required for, and the same schedule or grade of pay can be reasonably applied to, all positions in the group". Other definitions may be negotiated if committees are implementing on a voluntary basis.

It is necessary to group positions or jobs into classes in order to determine if a class is male or female-dominated; to compare female and male-dominated classes; and, if necessary, to make pay equity wage adjustments to the female classes. Parties must have a definition of "gender-dominated class" for pay equity purposes.

The legislation, policy framework or joint agreement must also provide the parties with the definition of "gender-dominated class" for pay equity purposes. In determining if a job class is female or male-dominated, parties may consider the following criteria:

- A class in which a specified percentage of incumbents are of one gender.
- A class in which the historical incumbency (i.e. the gender of previous incumbents) of that class has been predominantly female or male.
- A class where the work performed is categorized in an occupational group which in the labour force at large, according to Canada Census data, is or has been predominately male or female, for example, plumber, or typist.
- A class which completes an existing series. This is particularly relevant for female-dominated classes. For example, clerk 1, 2 and 4 may be female-dominated and clerk 3 may be gender balanced according to specified criteria. However, parties may decide to include clerk 3 as a female-dominated class.

Preparation for Negotiations on Selection of Classes

During the initial preparation for negotiating the classes to be included in the pay equity exercise, parties must reach agreement on the information that is necessary in order to determine which jobs form a class. This includes information on job descriptions and wage and salary schedules. This information is essential to ensure that sound decisions are made. Since the compensation system will be permanently adjusted, short term gains made from withholding certain information such as salary schedules will be lost if the decisions are not sound. Committee members should also establish mechanisms for dealing with changes in the classification system which may arise during the negotiation process, such as new classes being created, and reclassification issues.

Initial Steps for Negotiating the Selection of Classes

As a first step, the parties must reach agreement on grouping the jobs or positions into classes and counting the incumbents in each class to determine if a class is gender-dominated.

At first glance, it may appear easy to negotiate which classes should be included in the process. However, all organizations vary in their classification systems and it is unlikely that any legislation, or policy agreement can provide the parties with a totally trouble-free definition of classes. This creates the potential for a significant amount of discussion over class selection. Committee members must assess how jobs are currently grouped or classified in an organization and whether there is sufficient job content information to ensure that jobs are grouped appropriately for pay equity purposes. Therefore, the parties may wish to establish guidelines to assist in this process. These guidelines should include:

1. Methodology for Grouping of Jobs and Positions into Classes

Committee members must first assess the situation according to the following criteria and decide if any adjustments are necessary in order to comply with the pay equity definition of class.

A. Assessment of Job Classes According to Existing Job Descriptions

Parties may be able to determine whether the present grouping of jobs into classes meets the requirements of the pay equity definition of class on the basis of existing job descriptions. First, committee members should review these documents to ensure that existing job descriptions

are up-to-date, and contain information on the overall job objectives, duties and responsibilities, special job features such as equipment used, and the conditions under which the work is performed. Job descriptions are not only an important element for the fixing of classes but depending on the type of job evaluation system selected, may also be an essential feature in providing necessary job content information during the evaluation phase.

For pay equity purposes, parties should be particularly sensitive to any gender-bias in the actual job descriptions. A more detailed discussion on gender-bias is provided in Booklet 2: Job Analysis.

In addition, parties must also be sensitive to gender-bias concerning the grouping of jobs based on job descriptions. Bias may occur in the current way female-dominated jobs are classified. For example, there may be one job description for clerk, even though it encompasses a very broad and diverse range of jobs such as a store clerk, postal clerk and audit clerk. In contrast, the male-dominated jobs may be classified according to very specific job titles and are often single incumbent positions, for example, maintenance worker, grounds keeper and gardener.

Therefore, in order to meet pay equity definitions, parties should review these groupings to see if the number of classes should be further expanded or collapsed.

B. Assessment of job classes without job descriptions

If there are no existing job descriptions, parties should assess which method of obtaining sufficient job content information for class groupings is most appropriate for pay equity purposes. Depending on various factors such as time, number of employees, and the number and variety of jobs and classes, parties may decide:

- that all jobs in the organization should have completed job descriptions;
- that a select number of jobs within each class should have completed job descriptions; or
- that another method for collecting job content information, such as a questionnaire, be used.

More detailed discussion on the use of questionnaires is also provided in Booklet 2: Job Analysis.

C. Distinguishing between Pay Grades and Job Classes

For pay equity purposes, committees must make a careful distinction between pay grades and job classes. Many organizations have classification systems which do not group jobs on the basis of duties and responsibilities, but on the basis of wage rates only. For example, among support staff, various types of jobs such as laundry aides, gardeners and cooks may be grouped into one pay grade, but for pay equity purposes, would not constitute a single job class. The various jobs should be separated into class groupings on the basis of similar duties and responsibilities. In making this distinction, committees must have sufficient information on job content gathered through questionnaires and/or job descriptions.

D. Determining if Job Classes should be Grouped into Series

Within the parameters of pay equity legislation or a policy agreement, parties will likely have to determine whether a series of job classes should be combined and treated as one class, or considered as separate job classes.

To make this decision, parties should determine whether:

- a relationship exists between each level of the series based on the nature of the work performed; and
- the series is organized in successive levels.

Whether the series are grouped as one job class or treated individually is particularly critical for the determination of gender-dominance.

For example, the upper level of a female series such as clerk or cook may be mainly filled by male incumbents. If each level in the series is treated as an individual class, a cook 4 would be a male job class and the cook 1, 2 and 3 would be female job classes. If these series are linked in duties, responsibilities and wage rates, and if the majority of incumbents are female, it would probably be more appropriate to consider the cook as one job class. If not, the cook 1,2 and 3 may receive pay equity adjustments, while the cook 4 may not. Serious morale problems can be created among employees when an inversion takes place; for example, when the cook 3 wage rate after adjustments is higher than the cook 4.

2. Determination of Gender-Dominance of Job Classes

This stage involves many areas of negotiation, and therefore it may be useful for the parties to establish a smaller sub-committee, specifically to classify and count the employees, identify the issues, and bring them forward to the steering committee for resolution. Through this process, the groupings can be divided into "female-dominated", "male-dominated" and "gender-balanced".

Once agreement has been reached on how the jobs and positions will be sorted into job classes, the counting of the incumbents in these classes should not be problematic. Parties must also determine who is considered to be an employee. Different types of employees for consideration may include part-time and casual employees.

The easiest way to determine if a class is gender-dominated is to design a table, with the job classes listed by type of job and gender of employees. Gender-dominance of each class can then be determined on a percentage basis.

JOB CLASS	NUMBER FEMALES	NUMBER MALES	TOTAL EMPLOYEES	% FEMALE	% MALE
Secretary	13	2	15	87%	13%
Desk Clerk	7	3	10	70	30
Accountant	4	14	18	22	78
Library Assistant	1	0	1	100	0
Plumber	0	2	2	0	100
Assistant Cook	6	2	8	75	25

The application of a job evaluation system to gender-dominated classes in your organization provides vital information about the relative value of the jobs. However, it is important to realize that the job evaluation system is only a measurement tool, and it is up to the parties to decide what they want to do with the results of job evaluation. Job evaluation results provide the necessary information for the parties to discuss which classes are undervalued, and assess how much they are undervalued. There are usually no rigid formulas for comparing the female- and male-dominated job classes. This final stage regarding the amount necessary for pay equity adjustments is usually achieved through a negotiation process, rather than being determined statistically using job evaluation results.

There are a variety of methodologies which can be negotiated for identifying pay inequities between comparable male and female-dominated job classes; determining adjustments to the female-dominated job classes; and the determining of an acceptable implementation plan.

The methods which are negotiated are highly dependent on the characteristics of the organization, including the number of female- and male-dominated job classes, and the range of comparability of these classes. However, committee members should keep in mind that this stage of negotiations, which is one of the most important stages of the pay equity process, should always be considered within the established framework of legislation or policy agreement.

Some of the key issues which may arise during this stage of negotiations include:

1. Pay Rates to be Used for Comparing Male-and Female-Dominated Job Classes

Committee members must assess factors such as salaried versus hourly-paid employees, number of hours worked per week, commissions, bonuses, merit adjustments, benefit packages and wage progression scales.

These factors may vary for different types of male- and female-dominated job classes. For example in the area of bonuses, employees working in sales may receive this form of compensation, while employees working as secretaries receive no bonuses. If the bonus is an integral part of the pay structure it should be included. For example, the definition of wages in The Manitoba Pay Equity Act is broad and includes any form of remuneration payable or benefit provided by an employer for the work performed.

Another issue to assess in terms of gender neutrality is the wage progression scales. The range of pay for a job class may be divided into a series of steps. Different types of jobs may have varying number of steps. Often, trade positions, which are traditionally male-dominated, have one to two steps, while office positions, such as clerical, have many steps. Committee members must carefully consider which level is appropriate for comparison purposes. Depending on the circumstances within an organization, either the base, mid-point or maximum wage rate for a job class could be viewed as acceptable for pay equity purposes.

2. **Methodology for the Determination of Pay Inequities between Male and Female-Dominated Classes**

There are a variety of techniques which can be considered as options for comparing job classes. Negotiators will have to carefully assess which method is most appropriate as this choice may vary depending on the circumstances of each organization. Methods include:

- comparison of pay regression lines for male- and female-dominated job classes;
- direct comparison of female-dominated job classes to male-dominated job classes of equal or comparable value;
- comparison of female-dominated job classes to male-dominated job class clusters; and
- comparison of classes by banding or segmentation.

A more detailed explanation on the techniques concerning these methodologies is provided in Booklet 3: Interpretation and Wage Adjustments.

It is important to prepare the necessary information prior to the actual negotiations. Resources which can be used to provide advice, guidance and/or analysis include in-house compensation analysts and statisticians, consulting firms, and government offices such as the Manitoba Pay Equity Bureau and the Bureau of Statistics.

In this final phase of negotiations, parties must reach agreement on the quantum, allocation and orderly implementation of pay equity adjustments. It is important for the parties to reach a common understanding on the terms that will be used. The following definitions for implementing under The Manitoba Pay Equity Act and the policy framework could be used for the purposes of pay equity implementation.

1. Quantum

This term refers to the total amount of a pay equity wage adjustment required to implement pay equity for a particular job class. It should not be confused with the total amount of monies that may be available, based on the proportion of the payroll for pay equity wage adjustments in the organization.

2. Allocation

This term refers to how the wage adjustments will be distributed or spread out among all of the classes receiving pay equity adjustments.

3. Orderly Implementation

This term refers to the way that wage adjustments will be phased-in over a specified period of time. For example, according, to Manitoba's legislation, parties could phase-in over a period of 4 years. For school divisions following the policy framework, adjustments are to be phased in over a period of not more than six consecutive years.

Committees negotiating pay equity for organizations covered by The Pay Equity Act demonstrated a high degree of flexibility and variation in the methodologies agreed to in the final stages of the process. For example, some joint committees, such as the provincial government's committee composed of the Civil Service Commission and the Manitoba Government Employees' Association chose to phase in over the four-year period while other committees selected shorter timeframes of one to three years.

In addition, some committees negotiated to divide the costs evenly each year. For example, the Civil Service and Manitoba Government Employees' Association chose to phase in 0.8% of annual straight-time payroll per year for a total cost of 3.3% for the total four-year period. A more detailed description of the civil service negotiations and results is provided in the publication Pay Equity Implementation in the Manitoba Civil Service available from the Manitoba Pay Equity Bureau.

In terms of collective bargaining, the pay equity process is a unique experience for both labour and management representatives. This is usually the first time that employee and employer representatives within an organization have come together with a common goal.

The Manitoba Civil Service Commission's Director of Negotiation Services, Robert Pruden, believes that this initiative brings a shared identification of the specific problems, perceived fairness in the process, creativity in the development of solutions, and commitment to the results."

Irene Giesbrecht, Executive Director of the Manitoba Nurses Union and Chairperson of the Manitoba Council of Health Care Unions which represented the unionized employees for the 23 health care facilities implementing pay equity, points out that "A jointly negotiated pay equity process ensures that unionized employees will be duly represented in a matter which affects their compensation. Negotiating pay equity in health care was not easy, because it involved 23 employers, 9 unions, and non-union employees; however it did allow the parties some flexibility with respect to this complex issue".

Describing her experience as Pay Equity Officer for the health care facilities, Maureen Kilgour says: "In an endeavour such as this, the process is very important, and involving representatives of all affected parties is crucial. However, the process cannot become more important than the results. In implementing pay equity, the negotiations must be seen as a means to an end, and must be accompanied by the commitment by all parties to the implementation of the concept and the reality of equal pay for work of equal value."

Manitoba Civil Service Commission

Inside Outlook

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SEPTEMBER 1987

Civil Service leads on pay equity

Canadian history was made on September 29th, 1987, when a union/management negotiated Pay Equity Agreement was signed by the provincial government and the employees' union, the Manitoba Government Employees' Association. This agreement will raise the salaries of approximately 4,900 civil service employees who have been working in traditionally female-dominated classifications. The signing represents a major step by the government in its stated commitment to end pay discrimination and work towards eliminating the gender-based wage gap.

In 1985, the government enacted the Pay Equity Act. It is Canada's first pro-active pay equity legislation which assigns responsibility for implementing pay equity to a joint union/management negotiating committee.

A negotiated process

The negotiating committee evaluated presentations from several consultants before agreeing to use the Hay system. A ten-member committee, equally representative of union and management, male and female, first began the process of evaluating jobs in September 1986. It completed its task in January 1987.

Classes studied

The committee studied 182 gender-dominated classifications — 134 - Male (5600 employees) — 48 - Female (5300 employees). . .representing almost two-thirds of civil service workforce.

An employee was then selected to represent each job classification. These employees received training in preparing job descriptions for their respective classifications to ensure all relevant information was provided to the joint job evaluation committee.

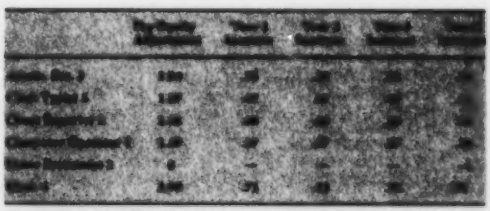
Essential factors

Pay Equity embraces the principle of comparable worth. The essential job factors are skill, effort, responsibility and working conditions. Each representative job was evaluated individually by the joint evaluation committee. After several reviews the relative worth of jobs was determined.

Data from the rating exercise provided the basis for negotiations on rates of compensation.

The results

Evaluation of the data showed clearly that pay inequities existed in many female-dominated classes resulting in increases ranging from $0 — $3.27 per hour with the average being $1.87 per hour. These increases will be implemented in stages over a four-year period as illustrated below.



Employees directly affected by Pay Equity implementation will be notified by their personnel branch of the specific increase to their class.

PAY EQUITY WAGE ADJUSTMENTS LIST

CLASSIFICATION	PAY EQUITY WAGE ADJ	YEAR 1 INCREASE	YEAR 2 INCREASE	YEAR 3 INCREASE	YEAR 4 INCREASE
ACCT CLERK 1	2.15	0.54	0.54	0.54	0.53
ACCT CLERK 2	2.67	0.67	0.67	0.67	0.66
ACCT MACH OP 2	1.85	0.46	0.46	0.46	0.47
ACCT MACH OP 3	2.15	0.54	0.54	0.54	0.53
ADMIN OFF	1.85	0.46	0.46	0.46	0.47
ADMIN SECTY 1	0.71	0.18	0.18	0.18	0.17
ADMIN SECTY 2	1.48	0.37	0.37	0.37	0.37
ADMIN SECTY 3	2.06	0.52	0.52	0.52	0.50
ADMIN SECTY 4	3.12	0.78	0.78	0.78	0.78
ADMIN SECTY CHIEF JUST	2.91	0.73	0.73	0.73	0.72
ADMIN SECTY DEP MIN	2.63	0.66	0.66	0.66	0.65
ADMIN SECTY MIN	1.85	0.46	0.46	0.46	0.47
ADMIN SECTY PREM	1.85	0.46	0.46	0.46	0.47
ADMIN SECTY TO JUDGE	2.91	0.73	0.73	0.73	0.72
CALC MACH CLERK 2	0.78	0.20	0.20	0.20	0.18
CLAIMS CODING CLERK	1.85	0.46	0.46	0.46	0.47
CLERK 2	1.13	0.28	0.28	0.28	0.29
CLERK 3	1.91	0.48	0.48	0.48	0.47
CLERK 4	2.90	0.73	0.73	0.73	0.71
CLERK 5	1.85	0.46	0.46	0.46	0.47
CLERK OF COURT 1	1.69	0.42	0.42	0.42	0.43
CLERK TYPIST 1	0.65	0.16	0.16	0.16	0.17
CLERK TYPIST 2	1.13	0.28	0.28	0.28	0.29
CLERK TYPIST 3	1.87	0.47	0.47	0.47	0.46
COMPUTER OPER 1	1.49	0.37	0.37	0.37	0.38
COMPUTER OPER 2	2.30	0.58	0.58	0.58	0.56
COMPUTER OPER 3	1.12	0.28	0.28	0.28	0.28
COOK 1	1.39	0.35	0.35	0.35	0.34
COOK 2	2.26	0.57	0.57	0.57	0.55
COOK 3	2.84	0.71	0.71	0.71	0.71
COURT REPORTER 2	2.32	0.58	0.58	0.58	0.58
DENTAL ASST 1	2.03	0.51	0.51	0.51	0.50
DENTAL ASST 2	2.03	0.51	0.51	0.51	0.50
DENTAL NURSE	1.04	0.26	0.26	0.26	0.26
FINANCIAL WRKR (EB1)	0.75	0.19	0.19	0.19	0.18
HOME ADVISOR 2	0.75	0.19	0.19	0.19	0.18
INST HAIRGROOMER	1.31	0.33	0.33	0.33	0.32
INST HAIRGROOMER CHARGE	1.31	0.33	0.33	0.33	0.32
INST SUPVR 1	3.27	0.82	0.82	0.82	0.81
INST SUPVR 2	3.27	0.82	0.82	0.82	0.81
INST SUPVR 3	3.27	0.82	0.82	0.82	0.81
KEYPUNCH OP SUPVR 1	2.06	0.52	0.52	0.52	0.50
KEYPUNCH OP SUPVR 2	1.85	0.46	0.46	0.46	0.47
KEYPUNCH OPER 2	1.41	0.35	0.35	0.35	0.36
KEYPUNCH OPER 3	2.06	0.52	0.52	0.52	0.50
LAB ASSISTANT 2	0.70	0.18	0.18	0.18	0.16
LIBRARY TECH 1	2.04	0.51	0.51	0.51	0.51
LIBRARY TECH 2	2.54	0.64	0.64	0.64	0.62
LIC PRACT NURSE	2.97	0.74	0.74	0.74	0.75
MED RECORDS TECH	2.90	0.73	0.73	0.73	0.71
MED TECHNOLOGIST 1	2.29	0.57	0.57	0.57	0.58
MICROFILM OP	1.13	0.28	0.28	0.28	0.29
NURSE 1	1.43	0.36	0.36	0.36	0.35
RESIDENCE COUNS	2.32	0.58	0.58	0.58	0.58
SERVICE WORKER 1	0.65	0.16	0.16	0.16	0.17
SERVICE WORKER 2	1.31	0.33	0.33	0.33	0.32
SWITCHBD OP 2	1.13	0.28	0.28	0.28	0.29
SWITCHBRD OP 3	1.87	0.47	0.47	0.47	0.46
WORD PROCESSOR 2	2.06	0.52	0.52	0.52	0.50
WORD PROCESSOR 3	1.85	0.46	0.46	0.46	0.47
WORD PROCESSOR 4	1.85	0.46	0.46	0.46	0.47
WORD PROCESSOR 5	1.85	0.46	0.46	0.46	0.47
WORD PROCESSOR 6	1.95	0.49	0.49	0.49	0.48

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Affirmative Action: A program that aims to remedy the effects of discriminatory hiring and training practices, and to achieve equitable employment opportunities for designated groups including women, native people, visible minorities and disabled persons.

Arbitration: The process by which a board or arbitrator, acting under the authority of legislation, a collective agreement or mutual consent of both parties to a dispute, hears both sides of a controversy and issues an award, which is ordinarily binding on both parties.

Award, Decision or Order: The final decision of an arbitrator, binding on both parties to the dispute.

Bargaining Agent: The exclusive representative of a group of workers or employers in the process of collective bargaining.

Bargain in Good Faith: The requirement that two parties meet and confer with their minds open to persuasion in order to reach an agreement.

Bargaining Unit: A group of employees recognized by the employer and certified by a labour board for the purpose of collective bargaining.

Benchmark Jobs: A representative sampling of jobs covering the spectrum of jobs in an organization. Benchmark jobs can be used as reference points in the design and application of a job evaluation system.

Collective Bargaining: Method of determining wages, hours and other conditions of employment through direct negotiations between the union and employer.

Comparable Worth: The principle that jobs can be compared even though they may be dissimilar in nature but equal or equivalent in terms of skill, effort, responsibility and working conditions. This term is often used in the United States and is synonymous with pay equity in Canada.

Compensation Policy: The standards which an organization uses in making wage and salary compensation decisions.

Complaint-based Legislation: Legislation which requires an employee(s) to identify an alleged inequity and file a complaint. The complaint is then

reviewed and investigated and either confirmed or denied. A confirmed complaint requires correction.

Cost of Living Adjustments (COLAs): Across-the-board wage and salary increases or supplemental payments based on changes in some index of prices, usually the consumer price index (CPI). If included in a union contract, COLAs are designed to increase wages automatically during the life of the contract as a function of changes in the consumer price index.

Effort: The measurement of mental and physical application required in a job to adequately perform the assigned tasks.

Employment Equity: A strategy designed to remedy the present and residual effects of discrimination and to open the competition for employment opportunities to those who may have been systemically excluded, including women, native people, visible minorities and disabled persons. A wide range of initiatives from child care to job training programs may be developed to remove discriminatory employment barriers.

Equal Pay for Equal Work: The principle that a woman doing the same or substantially the same work as a man in an establishment should receive equal pay.

Equal Pay for Work of Equal Value: See Pay Equity.

Establishment: A term often used in pay equity legislation to define the "workplace".

Factor: A basic component or part of a job evaluation plan which is used to measure characteristics of a job. For pay equity purposes, four factors are measured. They are skill, effort, responsibility and working conditions.

Factor Comparison: A method of job evaluation which compares jobs by making judgments about which jobs contain more of certain compensable factors than others.

Female-dominated Job Class: A job class occupied predominantly by women.

Gender-bias: Any practice or program which incorporates discrimination between men and women, either directly or indirectly.

Gender-dominance: A job class which is occupied predominantly by women, or predominantly by men.

Gender-neutral: Any practice or program which does not incorporate or allow gender-discrimination between men and women, either directly or indirectly.

Increment: The difference between two consecutive pay grades in a wage structure. For example, if pay grade one pays $5.00 per hour and pay grade two pays $5.17 per hour, 17 cents is the increment.

Industry-wide Bargaining: Collective bargaining that takes place on an industry-wide basis; terms and conditions of employment agreed upon cover all or a major portion of the organized employees in the industry.

Internal Equity: Refers to the pay relationships among all jobs within an organization and involves establishing a policy of equal pay for jobs of equal worth or value.

Job Analysis: A systematic collection of the various tasks involved in a job or job class and the minimum requirements needed to perform the job adequately. The process of information gathering.

Job Class: For pay equity purposes, "class" or "class of positions" means a group of positions involving duties and responsibilities so similar that the same or like qualifications may reasonably be required for, and the same schedule or grade of pay can be reasonably applied to, all positions in the group.

Job Classification: A type of job evaluation whereby the total job is evaluated and is then slotted into a pay grade that has been defined. Each job is placed into the grade where the grade description most closely fits the particular job being evaluated.

Job Description: A written description of the requirements of the job including job duties, tasks, responsibilities, equipment used, scope and working conditions.

Job Evaluation: The process of comparing the value of jobs in order to determine the position of one job in relation to another.

Job Evaluation System: For purposes of pay equity, a single, gender-neutral evaluation system capable of measuring skill, effort, responsibility and working conditions of gender-dominated job classes.

Job Ghettoization: The concentration of women into low-paying, low status jobs. See Occupational Segregation of Women below.

Job Specifications: Identification of the amount, level or type of skill, effort, responsibility and working conditions required to perform the duties and responsibilities listed in the job description.

Labour Force: People who are 15 years of age and over who are employed or unemployed. Does not generally include people who are in institutions or in the armed forces.

Labour-management Committee: Any employment-related committee having representation from both management and labour. They may discuss such topics as safety and health, training, or job evaluation.

Male-dominated Job Class: A job class occupied predominantly by men.

Method of Least Squares: The statistical procedure for computing a line of regression by finding the best fitting straight line for a set of points.

Non-traditional Jobs: Occupations which have generally been filled by either women or men to the exclusion of the other.

Occupational Segregation of Women: The concentration of women into a narrow range of occupations, primarily clerical, sales, service and health care.

Pay Equity: The concept of equal pay for work of equal value, based primarily on the relative value of work performed, regardless of the gender of employees. Manitoba requires that no employer covered by The Pay Equity Act can establish or maintain a difference between the wages paid to male and female employees, employed by that employer, who are performing work of equal or comparable value.

Participation Rate: The labour force expressed as percentage of the population 15 years of age and over.

Point-rating or Point Factor: A method of job evaluation in which a rating scale is constructed for each factor, each factor receives a numerical score, scores are totalled and a job value is established.

Policy capturing: A method of job evaluation which relies heavily on statistical procedures for capturing current pay policies of a company and identifying wage discrimination based on gender. Factors and weightings can then be adjusted to remove the identified wage discrimination.

Pro-active Pay Equity Legislation: Requires employers, in co-operation with employee representatives, to initiate an audit of their pay practice within specific timelines and to identify and correct any pay inequities between male and female-dominated job classes of equal or comparable value.

Ranking: A method of job evaluation in which jobs in the organization are ranked in order of their importance to the organization or general difficulty.

Ratification: Formal approval of a newly negotiated agreement by vote of the union members affected, as well as by employers or employer associations.

Rating Committee: A committee established to objectively determine the value of jobs by applying the job evaluation system to the job content information.

Regression Analysis: Used to test for the impact of an independent variable on the dependent variable while statistically controlling for the effects of other independent variables. For pay equity purposes, it is used to estimate the relationship between point values of evaluated gender-dominated jobs and the pay rates.

Responsibility: Aspects such as accountability or decision-making components of the job. It often measures consequence of responsibility, such as cost factors, human relations, supervision.

Salary Range: The full progression of increments from starting rate to maximum for a particular job, job class, or pay scale.

Salary or Pay Line: For pay equity purposes, the determination of the female or male salary structure in a workplace. The pay line identifies the general trend of an organization's pay practice as applied to male and female-

dominated job classes. Can be determined statistically by Method of Least Squares to produce a wage regression line.

Scattergram or Scatter Diagram: A diagram or graph, providing a pictorial display of the relative values of jobs or job classes and their respective wage rates.

Skill: The level of knowledge or ability required to perform the tasks of the job. Often measured in terms of education, experience and training.

Sub-factor: In job evaluation plans, a factor such as skill can be broken down into sub-categories or "sub-factors" such as education or on-the-job training; effort can be broken down into "sub-factors" such as physical effort and mental effort.

Systemic Discrimination: Discrimination in employment policies or practices that adversely affects certain groups even though the discrimination may not be overt or intended.

Systematic Undervaluation: A consistent application of bias by either application or design.

Under-representation: Where the number of women participating in a specific type of job is lower than the representation in the general population.

Wages: For pay equity purposes, "wages" means any form of remuneration payable or benefit provided by an employer for work performed by an individual. "Wage" or "wage rate" has a corresponding meaning.

Wage Gap: The difference between the average wage paid to men and women.

Wage Structure: A systematic and logical arrangement of the compensation of an organization, usually called pay grades.

Weighting: The process of allocating a higher emphasis to one factor than another, so that the factors considered to be of relatively greater importance to the organization assume greater importance.

Working Conditions: Encompasses the environmental surroundings and also the conditions under which the tasks are performed. These conditions could require either physical or mental effort.